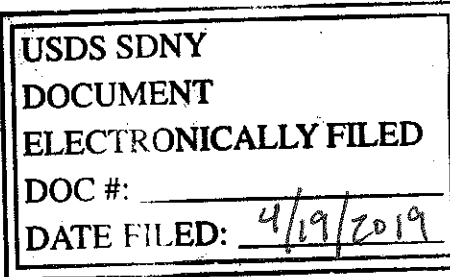


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April 18, 2019

**BY ECF**

Honorable John G. Koeltl  
Daniel Patrick Moynihan  
United States Courthouse  
Courtroom 14A  
500 Pearl Street  
New York, New York 10007

A PRE-MOTION CONFERENCE  
WILL BE HELD ON MONDAY,  
MAY 13, 2019, AT 4:30PM.

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SO ORDERED

4/18/19. *[Signature]*  
V S O J

Re: **Eastern Profit Corp. Ltd. v. Strategic Vision US, LLC**  
**18-CV-2185 (JGK) -- Pre-Motion Conference Request**

Your Honor:

As counsel to defendant Strategic Vision US, LLC ("Strategic Vision"), we write to request a Pre-Motion Conference, pursuant to Rule 2(B) of Your Honor's Individual Practices, for the purpose of obtaining permission to move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("Rule 12(b)(6)") to dismiss Count II of the Amended Complaint ("AC") of plaintiff Eastern Profit Corporation Limited ("Eastern"). If permitted, Strategic Vision would so move against that fraudulent misrepresentation claim on the grounds that Eastern has failed to plead fraud with the particularity required by Fed. R. Civ. P. 9(b) ("Rule 9(b)") for the reasons set forth below.

It is well-settled that "a plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) ("*Twombly*"). To survive a Rule 12(b)(6) motion, a Complaint must plead "enough facts to state a claim to relief that is plausible on its face." *Id.* at 570. And, that Complaint must also "allow [ ] the [C]ourt to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) ("*Iqbal*"). Indeed, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Id.*